

#### CLAIMS OBJECTIONS: 35 USC 112

Claims 4 through 9, 12, and 13 were objected to because of the term “pipe-like”. The examiner suggested a more specific term should be used. The term “cylindrical” has been substituted for the term “pipe-like”. It is believed this meets the objection of the examiner and that the claims as amended are no longer objectionable. Applicant notes this is a formal and not substantive change to the claims and Applicant contends “pipe-like” and “cylindrical” are synonymous terms and substitution of “cylindrical” for “pipe-like” does not change the scope of the claim coverage.

#### CLAIMS OBJECTIONS: 35 USC 102

Claims 1 through 3, 10 and 11 were rejected under 35 USC 102(b) as being anticipated by Parkins et al US Patent # 5,769,568. Parkins is a boat lift which is to be adopted for raising and lowering boats of varying weights up to 60,000 pounds. The examiner reasons that Parkins discloses at least one rigid piece (17) secured to the submersible portion (16) of a boat lift. The examiner further reasons that Figure 5 shows the rigid piece (17) would interact with the pilings in the event of unwanted lateral movement of the lift (16). In Parkins Figure 5 there are eight support pilings (11) instead of the usual four. Because of this unusual arrangement, the boat supporting beams (17) could contact the inner pilings (11) should there be large lateral movement of the submersible portion of the boat lift. As a practical matter, long before the boat's hull supporting beams (17) would contact the pilings, the boat itself would contact the pilings limiting lateral movement. In fact, in Parkins the boat hull support beams (17) are not mounted in proximity to the pilings. Consequently, it is believed the claims as originally written are distinguishable from Parkins because of the added limitation in the applicant's claims that the rigid piece of the current application is in proximity to a piling.

However, the Applicant has amended the claims rejected on the basis of Parkins to further clarify that the Applicant's rigid piece is between the boat hull supporting beam or structure and the

piling - hence is in proximity to and closer to the piling than the boat hull supporting beam. It is believed that these claims are more specific to the arrangement as shown in the Applicant's Figure 2 and should receive favorable consideration from the examiner.

## CONCLUSION

The applicant having answered the claims objections of the examiner by amending claims and having advanced arguments and claim amendments in favor of patentability of the claims rejected under 35 USC 102, the Applicant believes that all claims are now in a condition for allowance and the same is respectfully requested from the examiner.

This the 30 day of Nov, 2004.

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